

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HAMMOND DEVELOPMENT
INTERNATIONAL, INC.,
Plaintiff,

v.

AMAZON.COM, INC.,
AMAZON.COM, LLC,
AMAZON.COM SERVICES, INC.,
AMAZON WEB SERVICES, INC.,
Defendants.

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1:20-CV-00342-ADA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

HAMMOND DEVELOPMENT
INTERNATIONAL, INC.,
Plaintiff,

v.

GOOGLE LLC,
Defendant.

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6:19-CV-00356-ADA
(consolidated with 6:19-CV-00355-ADA)

CLAIM CONSTRUCTION ORDER

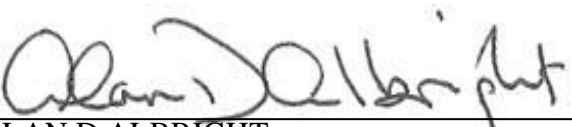
The Court held a *Markman* hearing on May 15, 2020, during which the Court orally provided the below claim constructions. The Court now enters those claim constructions.

No.	Claim Term / Phrase	Court’s Constructions
<u>Terms Identified by Both Defendants</u>		
1a	“request . . . to establish [a / the] communication session” '483 Patent: all ten asserted claims '011 Patent: all four asserted claims '040 Patent: all three asserted claims '937 Patent: all three asserted claims '732 Patent: both asserted claims '935 Patent: all three asserted claims '032 Patent: all seventeen asserted claims '816 Patent: 1, 6-12, 14, 15, 18, 19	Not indefinite. Plain and ordinary meaning; the request must occur before the establishment of the communication session.
1b	“establish [the / a / the requested] communication session” '483 Patent: all ten asserted claims '011 Patent: all four asserted claims '040 Patent: all three asserted claims '937 Patent: all three asserted claims '732 Patent: both asserted claims '935 Patent: all three asserted claims '032 Patent: all seventeen asserted claims '816 Patent: 1, 6-12, 14, 15, 18-20, 24, 25, 27, 28	Not indefinite. Plain and ordinary meaning.

No.	Claim Term / Phrase	Court’s Constructions
1c	<p>“preliminary communication session”</p> <p>’011 Patent: 16</p>	<p>Not indefinite. “a communication session to obtain identifying information for use in a future communication session”</p>
2	<p>“a memory . . . that . . . causes the communication device to: establish a communication session to an application server over a first communication link, . . . the application server adapted to execute an application to establish the communication session with the communication device”</p> <p>’937 Patent: 1</p>	<p>Not indefinite. Plain and ordinary meaning.</p>
3a	<p>“request for [a] processing service”</p> <p>’483 Patent: all ten asserted claims ’011 Patent: all four asserted claims ’040 Patent: all three asserted claims ’937 Patent: all three asserted claims ’732 Patent: both asserted claims ’935 Patent: all three asserted claims ’032 Patent: all seventeen asserted claims ’816 Patent: 1, 6-12, 14, 15, 18, 19, 28</p>	<p>Not indefinite. Plain and ordinary meaning.</p>
3b	<p>“processing service(s)”</p> <p>’483 Patent: all ten asserted claims ’011 Patent: all four asserted claims ’040 Patent: all three asserted claims ’937 Patent: all three asserted claims ’732 Patent: both asserted claims ’935 Patent: all three asserted claims ’032 Patent: all seventeen asserted claims ’816 Patent: 1, 6-12, 14, 15, 18, 19, 28</p>	<p>Not indefinite. “a computing process performed by a communication device for all or part of the application”</p>
<u>Terms Identified by Google</u>		
4	<p>“application(s)”</p> <p>’483 Patent: all ten asserted claims ’011 Patent: all four asserted claims ’040 Patent: all three asserted claims ’937 Patent: all three asserted claims ’732 Patent: both asserted claims ’935 Patent: all three asserted claims ’032 Patent: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 ’816 Patent: all eighteen asserted claims</p>	<p>Plain and ordinary meaning.</p>
5	<p>“application server(s)”</p> <p>’483 Patent: 10, 12, 14, 15, 16, 17, 18, 24 ’011 Patent: all four asserted claims ’040 Patent: all three asserted claims ’937 Patent: all three asserted claims ’732 Patent: both asserted claims ’935 Patent: all three asserted claims ’032 Patent: all seventeen asserted claims ’816 Patent: all eighteen asserted claims</p>	<p>Plain and ordinary meaning.</p>

No.	Claim Term / Phrase	Court's Constructions
6	“repository” '483 Patent: all ten asserted claims '011 Patent: 17 '040 Patent: all three asserted claims '937 Patent: all three asserted claims '732 Patent: both asserted claims '935 Patent: all three asserted claims '816 Patent: all eighteen asserted claims	“a computing device that retrieves an application from a database and sends part or all of that application to the application server”
7	“provide services to an application” '011 Patent: 11	Plain and ordinary meaning.
8	“touch input” '483 Patent: 16 '937 Patent: 10, 17 '732 Patent: 5 '935 Patent: 8	Plain and ordinary meaning.
<u>Terms Identified by HDI</u>		
9	“audio data” '032 Patent: 7, 12, 16, 20, 22, 23 '816 Patent: 6, 18, 19, 20, 24, 25, 27, 28, 29	Plain and ordinary meaning.
10	“packetized voice data” '032 Patent: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 '816 Patent: 1, 6, 7, 8, 9, 10, 11, 12, 15, 20, 24, 25, 27, 28, 29	Plain and ordinary meaning.
11	“voice representation” '032 Patent: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 '816 Patent: 1, 6, 7, 8, 9, 10, 11, 12, 27, 28	Plain and ordinary meaning.

SIGNED this 16th day of July, 2020.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE